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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/678,414
Filing Date	October 2, 2000
First Named Inventor	David W. Carlson
Group Art Unit	2823
Examiner Name	Kebede, Brook
Attorney Docket Number	100-13603 (P04797-F3)

Total Number of Pages in This Submission

6

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form (in duplicate)

☒ Fee Attached (check for \$500)

☐ Amendment/Response

☐ After Final (Response)

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement and Form PTO-1449

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ After Allowance Communication to Group

☐ Appeal Brief

☒ Appeal Communication to Group in duplicate (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Inquiry

☒ Other Enclosure(s) (please identify below):

**Return Receipt Postcard  
Certificate of Mailing**

Remarks

**Please charge any necessary fees or credit overpayment to Deposit Account No. 502305. A duplicate copy of this transmittal is attached for this purpose.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Mark C. Pickering, Reg. No. 36,239

Signature

*Mark C. Pickering*

Date

January 4, 2007

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: M/S AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: January 4, 2007

Typed or printed name

Robin L. King

Signature

*Robin L. King*

Date

January 4, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)**

Docket No.  
100-13603

In Re Application Of: **David W. Carlson**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/678,414	10/02/00	Brook Kebede	33402	2823	4381

Invention: **Method For Planarizing A Thin Film**



COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **November 8, 2006** finally rejecting Claim(s) **31-52**

The fee for this Notice of Appeal is: **\$500.00**

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **33402**
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

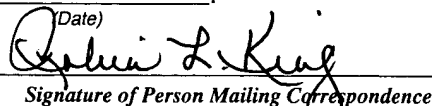
Dated: **January 4, 2007**

01/09/2007 HBELETE1 00000012 09678414

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500.00 OP

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on  
**01-04-07**

  
Signature of Person Mailing Correspondence

**Robin L. King**

Typed or Printed Name of Person Mailing Correspondence

cc:

**FEE TRANSMITTAL****For FY 2007**

Patent Fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT****\$500****METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge any fees or credit any overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. **502305**

**LAW OFFICES OF MARK C. PICKERING**

☐ Applicant claims small entity status. See 37 CFR 1.27.

2. ☒ **Payment Enclosed:**

☒ Check ☐ Money Order ☐ Other

**FEE CALCULATION****1. FILING FEE/SEARCH FEE/EXAMINATION FEE****LARGE ENTITY****SMALL ENTITY**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1011/1111/1311	1000	2011/2111/2311	500	Utility	
1012/1112/1312	430	2012/2112/2312	215	Design	
1013/1113/1313	660	2013/2113/2313	330	Plant	
1014/1114/1314	1400	2014/2114/2314	700	Reissue	
1005	200	2005	100	Provisional	

**SUBTOTAL (1)****0****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims	Fee from below	Fee Paid
Total Claims	* - 20 **	= 0	x 50	= \$ 0
Independent	* - 3 **	= 0	x 200	= \$ 0
Multiple Dep.			*	= \$ 0

**\*\* or number previously paid, if greater; for Reissues, see below:**

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claim in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue ind. claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)****\$0****SUBMITTED BY**

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P.O. Box 300  
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Customer No. 33402

**Complete if Known**

Application Number	09/678,414
Filing Date	October 2, 2000
First Named Inventor	David W. Carlson
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**FEE CALCULATION (continued)****3. Additional Fees**

Large Entity Small Entity

Fee  
Code Fee

1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for ex parte reexamination	
1804	920	1804	920	Requesting publication of SIR prior to Examiner action	
1805	1840	1805	1840	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1590	2254	795	Extension for reply within fourth month	
1255	2160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive-unavoidable	
1453	1500	2453	750	Petition to revive-unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

**\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)****\$500**

Date:

1-4-07

By:

Mark C. Pickering  
Mark C. Pickering, Reg. No. 36,239